

**Iowa Department of Natural Resources
Natural Resource Commission**

ITEM

15

DECISION

TOPIC

Notice of Intended Action - Chapter 61, State Parks and Recreation Areas

Commission approval is requested for publication of a Notice of Intended Action to amend Chapter 61, "State Parks and Recreation Areas." This amendment prohibits the possession of open or unsealed bottles, cans, jars, or other receptacles containing alcoholic beverages upon the beach at Gull Point State Park in Dickinson County and the beach complex at Lake Macbride State Park in Johnson County. In the late 1980s and early 1990s, city officials in the Iowa great lakes area banned alcohol on public beaches under their jurisdiction. In 2004, federal officials banned alcohol on public beaches under their jurisdiction at Coralville Reservoir in Johnson County. As a result, the two state park beaches have seen an increase in the number of people coming to the beach and consuming alcohol. In addition to the growing number of beach users, there has been an increase in the number of alcohol related incidents including intoxication, underage drinking, altercations, profanity, nudity, and littering. Enforcement has been increased, but the alcohol-related incidents have not decreased and, as a result, traditional users such as families are no longer using these beaches.

Ken Herring, Administrator
Conservation and Recreation Division

February 14, 2008

Attachment: Chapter 61 State Parks and Rec Areas Beaches-Alcohol NOIA

NATURAL RESOURCE COMMISSION [571]
Notice of Intended Action

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 61, "State Parks and Recreation Areas," Iowa Administrative Code.

This amendment prohibits the possession of open or unsealed bottles, cans, jars or other receptacles containing alcoholic beverages upon the beach at Gull Point State Park in Dickinson County and the beach complex at Lake Macbride State Park in Johnson County. In the late 1980s and early 1990s, city officials in the Iowa great lakes area banned alcohol on public beaches under their jurisdiction. In 2004, federal officials banned alcohol on public beaches under their jurisdiction at Coralville Reservoir in Johnson County. As a result, the two state park beaches have seen an increase in the number of people coming to the beach and consuming alcohol. In addition to the growing number of beach users, there has been an increase in the number of alcohol related incidents including intoxication, underage drinking, altercations, profanity, nudity and littering. Enforcement has been increased, but the alcohol-related incidents have not decreased and as a result, traditional users such as families are no longer using these beaches.

Any interested person may make written suggestions or comments on the proposed amendments on or before April 3, 2008. Such written materials should be directed to the State Parks Bureau, Department of Natural Resources, 502 East Ninth Street, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Bureau at (515)242-6233 or TDD (515)242-5967 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

There will be public hearings on April 1, 2008 from 2:00 p.m. to 9:00 p.m. at the Solon High School Auditorium in Solon, Iowa; April 2, 2008 from 7:00 p.m. to 9:00 p.m. at the Auditorium of the Wallace State Office Building in Des Moines, Iowa; and April 3, 2008 from 2:00 p.m. 9:00 p.m. at the Spirit Lake Community Center, Spirit Lake, Iowa at which time persons may present their views either orally or in writing. At the hearings, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend a public hearing and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These rules are intended to implement Iowa Code section 461A.3.

The following amendment is proposed.

ITEM 1. Amend rule 61.8 by establishing the following new subrules:

61.8(6) Gull Point State Park, Dickinson County. A person shall not possess an open or unsealed bottle, can, jar or other receptacle containing an alcoholic beverage upon the beach as defined in rule 571--64.1(461A).

61.8(7) Lake Macbride State Park, Johnson County. A person shall not possess an open or unsealed bottle, can, jar or other receptacle containing an alcoholic beverage upon the beach complex area which includes the beach as defined in rule 571—64.1(461A); beach lodge; parking lot; concession premises, picnic area and adjacent mowed areas.

Date

Richard Leopold, Director